

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25o, 10-22.25b, 27A-5, and 34-2.3 as follows:

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public  
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)  
10 that the Constitution of the State of Illinois provides that a  
11 "fundamental goal of the People of the State is the  
12 educational development of all persons to the limits of their  
13 capacities" and (ii) that the educational development of every  
14 school student serves the public purposes of the State. In  
15 order to ensure that all Illinois students and teachers have  
16 the opportunity to enroll and work in State-approved  
17 educational institutions and programs, the State Board of  
18 Education shall provide for the voluntary registration and  
19 recognition of non-public elementary and secondary schools.

20 (b) Registration. All non-public elementary and secondary  
21 schools in the State of Illinois may voluntarily register with  
22 the State Board of Education on an annual basis. Registration  
23 shall be completed in conformance with procedures prescribed

1 by the State Board of Education. Information required for  
2 registration shall include assurances of compliance (i) with  
3 federal and State laws regarding health examination and  
4 immunization, attendance, length of term, and  
5 nondiscrimination, including assurances that the school will  
6 not prohibit hairstyles historically associated with race,  
7 ethnicity, or hair texture, including, but not limited to,  
8 protective hairstyles such as braids, locks, and twists, and  
9 (ii) with applicable fire and health safety requirements.

10 (c) Recognition. All non-public elementary and secondary  
11 schools in the State of Illinois may voluntarily seek the  
12 status of "Non-public School Recognition" from the State Board  
13 of Education. This status may be obtained by compliance with  
14 administrative guidelines and review procedures as prescribed  
15 by the State Board of Education. The guidelines and procedures  
16 must recognize that some of the aims and the financial bases of  
17 non-public schools are different from public schools and will  
18 not be identical to those for public schools, nor will they be  
19 more burdensome. The guidelines and procedures must also  
20 recognize the diversity of non-public schools and shall not  
21 impinge upon the noneducational relationships between those  
22 schools and their clientele.

23 (c-5) Prohibition against recognition. A non-public  
24 elementary or secondary school may not obtain "Non-public  
25 School Recognition" status unless the school requires all  
26 certified and non-certified applicants for employment with the

1 school, after July 1, 2007, to authorize a fingerprint-based  
2 criminal history records check as a condition of employment to  
3 determine if such applicants have been convicted of any of the  
4 enumerated criminal or drug offenses set forth in Section  
5 21B-80 of this Code or have been convicted, within 7 years of  
6 the application for employment, of any other felony under the  
7 laws of this State or of any offense committed or attempted in  
8 any other state or against the laws of the United States that,  
9 if committed or attempted in this State, would have been  
10 punishable as a felony under the laws of this State.

11 Authorization for the check shall be furnished by the  
12 applicant to the school, except that if the applicant is a  
13 substitute teacher seeking employment in more than one  
14 non-public school, a teacher seeking concurrent part-time  
15 employment positions with more than one non-public school (as  
16 a reading specialist, special education teacher, or  
17 otherwise), or an educational support personnel employee  
18 seeking employment positions with more than one non-public  
19 school, then only one of the non-public schools employing the  
20 individual shall request the authorization. Upon receipt of  
21 this authorization, the non-public school shall submit the  
22 applicant's name, sex, race, date of birth, social security  
23 number, fingerprint images, and other identifiers, as  
24 prescribed by the Department of State Police, to the  
25 Department of State Police.

26 The Department of State Police and Federal Bureau of

1 Investigation shall furnish, pursuant to a fingerprint-based  
2 criminal history records check, records of convictions,  
3 forever and hereafter, until expunged, to the president or  
4 principal of the non-public school that requested the check.  
5 The Department of State Police shall charge that school a fee  
6 for conducting such check, which fee must be deposited into  
7 the State Police Services Fund and must not exceed the cost of  
8 the inquiry. Subject to appropriations for these purposes, the  
9 State Superintendent of Education shall reimburse non-public  
10 schools for fees paid to obtain criminal history records  
11 checks under this Section.

12 A non-public school may not obtain recognition status  
13 unless the school also performs a check of the Statewide Sex  
14 Offender Database, as authorized by the Sex Offender Community  
15 Notification Law, for each applicant for employment, after  
16 July 1, 2007, to determine whether the applicant has been  
17 adjudicated a sex offender.

18 Any information concerning the record of convictions  
19 obtained by a non-public school's president or principal under  
20 this Section is confidential and may be disseminated only to  
21 the governing body of the non-public school or any other  
22 person necessary to the decision of hiring the applicant for  
23 employment. A copy of the record of convictions obtained from  
24 the Department of State Police shall be provided to the  
25 applicant for employment. Upon a check of the Statewide Sex  
26 Offender Database, the non-public school shall notify the

1 applicant as to whether or not the applicant has been  
2 identified in the Sex Offender Database as a sex offender. Any  
3 information concerning the records of conviction obtained by  
4 the non-public school's president or principal under this  
5 Section for a substitute teacher seeking employment in more  
6 than one non-public school, a teacher seeking concurrent  
7 part-time employment positions with more than one non-public  
8 school (as a reading specialist, special education teacher, or  
9 otherwise), or an educational support personnel employee  
10 seeking employment positions with more than one non-public  
11 school may be shared with another non-public school's  
12 principal or president to which the applicant seeks  
13 employment. Any unauthorized release of confidential  
14 information may be a violation of Section 7 of the Criminal  
15 Identification Act.

16 No non-public school may obtain recognition status that  
17 knowingly employs a person, hired after July 1, 2007, for whom  
18 a Department of State Police and Federal Bureau of  
19 Investigation fingerprint-based criminal history records check  
20 and a Statewide Sex Offender Database check has not been  
21 initiated or who has been convicted of any offense enumerated  
22 in Section 21B-80 of this Code or any offense committed or  
23 attempted in any other state or against the laws of the United  
24 States that, if committed or attempted in this State, would  
25 have been punishable as one or more of those offenses. No  
26 non-public school may obtain recognition status under this

1 Section that knowingly employs a person who has been found to  
2 be the perpetrator of sexual or physical abuse of a minor under  
3 18 years of age pursuant to proceedings under Article II of the  
4 Juvenile Court Act of 1987.

5 In order to obtain recognition status under this Section,  
6 a non-public school must require compliance with the  
7 provisions of this subsection (c-5) from all employees of  
8 persons or firms holding contracts with the school, including,  
9 but not limited to, food service workers, school bus drivers,  
10 and other transportation employees, who have direct, daily  
11 contact with pupils. Any information concerning the records of  
12 conviction or identification as a sex offender of any such  
13 employee obtained by the non-public school principal or  
14 president must be promptly reported to the school's governing  
15 body.

16 Prior to the commencement of any student teaching  
17 experience or required internship (which is referred to as  
18 student teaching in this Section) in any non-public elementary  
19 or secondary school that has obtained or seeks to obtain  
20 recognition status under this Section, a student teacher is  
21 required to authorize a fingerprint-based criminal history  
22 records check. Authorization for and payment of the costs of  
23 the check must be furnished by the student teacher to the chief  
24 administrative officer of the non-public school where the  
25 student teaching is to be completed. Upon receipt of this  
26 authorization and payment, the chief administrative officer of

1 the non-public school shall submit the student teacher's name,  
2 sex, race, date of birth, social security number, fingerprint  
3 images, and other identifiers, as prescribed by the Department  
4 of State Police, to the Department of State Police. The  
5 Department of State Police and the Federal Bureau of  
6 Investigation shall furnish, pursuant to a fingerprint-based  
7 criminal history records check, records of convictions,  
8 forever and hereinafter, until expunged, to the chief  
9 administrative officer of the non-public school that requested  
10 the check. The Department of State Police shall charge the  
11 school a fee for conducting the check, which fee must be passed  
12 on to the student teacher, must not exceed the cost of the  
13 inquiry, and must be deposited into the State Police Services  
14 Fund. The school shall further perform a check of the  
15 Statewide Sex Offender Database, as authorized by the Sex  
16 Offender Community Notification Law, and of the Statewide  
17 Murderer and Violent Offender Against Youth Database, as  
18 authorized by the Murderer and Violent Offender Against Youth  
19 Registration Act, for each student teacher. No school that has  
20 obtained or seeks to obtain recognition status under this  
21 Section may knowingly allow a person to student teach for whom  
22 a criminal history records check, a Statewide Sex Offender  
23 Database check, and a Statewide Murderer and Violent Offender  
24 Against Youth Database check have not been completed and  
25 reviewed by the chief administrative officer of the non-public  
26 school.

1 A copy of the record of convictions obtained from the  
2 Department of State Police must be provided to the student  
3 teacher. Any information concerning the record of convictions  
4 obtained by the chief administrative officer of the non-public  
5 school is confidential and may be transmitted only to the  
6 chief administrative officer of the non-public school or his  
7 or her designee, the State Superintendent of Education, the  
8 State Educator Preparation and Licensure Board, or, for  
9 clarification purposes, the Department of State Police or the  
10 Statewide Sex Offender Database or Statewide Murderer and  
11 Violent Offender Against Youth Database. Any unauthorized  
12 release of confidential information may be a violation of  
13 Section 7 of the Criminal Identification Act.

14 No school that has obtained or seeks to obtain recognition  
15 status under this Section may knowingly allow a person to  
16 student teach who has been convicted of any offense that would  
17 subject him or her to license suspension or revocation  
18 pursuant to Section 21B-80 of this Code or who has been found  
19 to be the perpetrator of sexual or physical abuse of a minor  
20 under 18 years of age pursuant to proceedings under Article II  
21 of the Juvenile Court Act of 1987.

22 Any school that has obtained or seeks to obtain  
23 recognition status under this Section may not prohibit  
24 hairstyles historically associated with race, ethnicity, or  
25 hair texture, including, but not limited to, protective  
26 hairstyles such as braids, locks, and twists.

1 (d) Public purposes. The provisions of this Section are in  
2 the public interest, for the public benefit, and serve secular  
3 public purposes.

4 (e) Definition. For purposes of this Section, a non-public  
5 school means any non-profit, non-home-based, and non-public  
6 elementary or secondary school that is in compliance with  
7 Title VI of the Civil Rights Act of 1964 and attendance at  
8 which satisfies the requirements of Section 26-1 of this Code.  
9 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

10 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

11 Sec. 10-22.25b. School uniforms. The school board may  
12 adopt a school uniform or dress code policy that governs all or  
13 certain individual attendance centers and that is necessary to  
14 maintain the orderly process of a school function or prevent  
15 endangerment of student health or safety. A school uniform or  
16 dress code policy adopted by a school board: (i) shall not be  
17 applied in such manner as to discipline or deny attendance to a  
18 transfer student or any other student for noncompliance with  
19 that policy during such period of time as is reasonably  
20 necessary to enable the student to acquire a school uniform or  
21 otherwise comply with the dress code policy that is in effect  
22 at the attendance center or in the district into which the  
23 student's enrollment is transferred; ~~and~~ (ii) shall include  
24 criteria and procedures under which the school board will  
25 accommodate the needs of or otherwise provide appropriate

1 resources to assist a student from an indigent family in  
2 complying with an applicable school uniform or dress code  
3 policy; and (iii) shall not include or apply to hairstyles,  
4 including hairstyles historically associated with race,  
5 ethnicity, or hair texture, including, but not limited to,  
6 protective hairstyles such as braids, locks, and twists. A  
7 student whose parents or legal guardians object on religious  
8 grounds to the student's compliance with an applicable school  
9 uniform or dress code policy shall not be required to comply  
10 with that policy if the student's parents or legal guardians  
11 present to the school board a signed statement of objection  
12 detailing the grounds for the objection. This Section applies  
13 to school boards of all districts, including special charter  
14 districts and districts organized under Article 34. If a  
15 school board does not comply with the requirements and  
16 prohibitions set forth in this Section, the school district is  
17 subject to the penalty imposed pursuant to subsection (a) of  
18 Section 2-3.25.

19 By no later than July 1, 2022, the State Board of Education  
20 shall make available to schools resource materials developed  
21 in consultation with stakeholders regarding hairstyles,  
22 including hairstyles historically associated with race,  
23 ethnicity, or hair texture, including, but not limited to,  
24 protective hairstyles such as braids, locks, and twists. The  
25 State Board of Education shall make the resource materials  
26 available on its Internet website.

1 (Source: P.A. 89-610, eff. 8-6-96.)

2 (105 ILCS 5/27A-5)

3 Sec. 27A-5. Charter school; legal entity; requirements.

4 (a) A charter school shall be a public, nonsectarian,  
5 nonreligious, non-home based, and non-profit school. A charter  
6 school shall be organized and operated as a nonprofit  
7 corporation or other discrete, legal, nonprofit entity  
8 authorized under the laws of the State of Illinois.

9 (b) A charter school may be established under this Article  
10 by creating a new school or by converting an existing public  
11 school or attendance center to charter school status.  
12 Beginning on April 16, 2003 (the effective date of Public Act  
13 93-3), in all new applications to establish a charter school  
14 in a city having a population exceeding 500,000, operation of  
15 the charter school shall be limited to one campus. The changes  
16 made to this Section by Public Act 93-3 do not apply to charter  
17 schools existing or approved on or before April 16, 2003 (the  
18 effective date of Public Act 93-3).

19 (b-5) In this subsection (b-5), "virtual-schooling" means  
20 a cyber school where students engage in online curriculum and  
21 instruction via the Internet and electronic communication with  
22 their teachers at remote locations and with students  
23 participating at different times.

24 From April 1, 2013 through December 31, 2016, there is a  
25 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a  
2 school district organized under Article 34 of this Code. This  
3 moratorium does not apply to a charter school with  
4 virtual-schooling components existing or approved prior to  
5 April 1, 2013 or to the renewal of the charter of a charter  
6 school with virtual-schooling components already approved  
7 prior to April 1, 2013.

8 (c) A charter school shall be administered and governed by  
9 its board of directors or other governing body in the manner  
10 provided in its charter. The governing body of a charter  
11 school shall be subject to the Freedom of Information Act and  
12 the Open Meetings Act. No later than January 1, 2021 (one year  
13 after the effective date of Public Act 101-291), a charter  
14 school's board of directors or other governing body must  
15 include at least one parent or guardian of a pupil currently  
16 enrolled in the charter school who may be selected through the  
17 charter school or a charter network election, appointment by  
18 the charter school's board of directors or other governing  
19 body, or by the charter school's Parent Teacher Organization  
20 or its equivalent.

21 (c-5) No later than January 1, 2021 (one year after the  
22 effective date of Public Act 101-291) or within the first year  
23 of his or her first term, every voting member of a charter  
24 school's board of directors or other governing body shall  
25 complete a minimum of 4 hours of professional development  
26 leadership training to ensure that each member has sufficient

1 familiarity with the board's or governing body's role and  
2 responsibilities, including financial oversight and  
3 accountability of the school, evaluating the principal's and  
4 school's performance, adherence to the Freedom of Information  
5 Act and the Open Meetings Act, and compliance with education  
6 and labor law. In each subsequent year of his or her term, a  
7 voting member of a charter school's board of directors or  
8 other governing body shall complete a minimum of 2 hours of  
9 professional development training in these same areas. The  
10 training under this subsection may be provided or certified by  
11 a statewide charter school membership association or may be  
12 provided or certified by other qualified providers approved by  
13 the State Board of Education.

14 (d) For purposes of this subsection (d), "non-curricular  
15 health and safety requirement" means any health and safety  
16 requirement created by statute or rule to provide, maintain,  
17 preserve, or safeguard safe or healthful conditions for  
18 students and school personnel or to eliminate, reduce, or  
19 prevent threats to the health and safety of students and  
20 school personnel. "Non-curricular health and safety  
21 requirement" does not include any course of study or  
22 specialized instructional requirement for which the State  
23 Board has established goals and learning standards or which is  
24 designed primarily to impart knowledge and skills for students  
25 to master and apply as an outcome of their education.

26 A charter school shall comply with all non-curricular

1 health and safety requirements applicable to public schools  
2 under the laws of the State of Illinois. On or before September  
3 1, 2015, the State Board shall promulgate and post on its  
4 Internet website a list of non-curricular health and safety  
5 requirements that a charter school must meet. The list shall  
6 be updated annually no later than September 1. Any charter  
7 contract between a charter school and its authorizer must  
8 contain a provision that requires the charter school to follow  
9 the list of all non-curricular health and safety requirements  
10 promulgated by the State Board and any non-curricular health  
11 and safety requirements added by the State Board to such list  
12 during the term of the charter. Nothing in this subsection (d)  
13 precludes an authorizer from including non-curricular health  
14 and safety requirements in a charter school contract that are  
15 not contained in the list promulgated by the State Board,  
16 including non-curricular health and safety requirements of the  
17 authorizing local school board.

18 (e) Except as otherwise provided in the School Code, a  
19 charter school shall not charge tuition; provided that a  
20 charter school may charge reasonable fees for textbooks,  
21 instructional materials, and student activities.

22 (f) A charter school shall be responsible for the  
23 management and operation of its fiscal affairs including, but  
24 not limited to, the preparation of its budget. An audit of each  
25 charter school's finances shall be conducted annually by an  
26 outside, independent contractor retained by the charter

1 school. To ensure financial accountability for the use of  
2 public funds, on or before December 1 of every year of  
3 operation, each charter school shall submit to its authorizer  
4 and the State Board a copy of its audit and a copy of the Form  
5 990 the charter school filed that year with the federal  
6 Internal Revenue Service. In addition, if deemed necessary for  
7 proper financial oversight of the charter school, an  
8 authorizer may require quarterly financial statements from  
9 each charter school.

10 (g) A charter school shall comply with all provisions of  
11 this Article, the Illinois Educational Labor Relations Act,  
12 all federal and State laws and rules applicable to public  
13 schools that pertain to special education and the instruction  
14 of English learners, and its charter. A charter school is  
15 exempt from all other State laws and regulations in this Code  
16 governing public schools and local school board policies;  
17 however, a charter school is not exempt from the following:

18 (1) Sections 10-21.9 and 34-18.5 of this Code  
19 regarding criminal history records checks and checks of  
20 the Statewide Sex Offender Database and Statewide Murderer  
21 and Violent Offender Against Youth Database of applicants  
22 for employment;

23 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
24 34-84a of this Code regarding discipline of students;

25 (3) the Local Governmental and Governmental Employees  
26 Tort Immunity Act;

1 (4) Section 108.75 of the General Not For Profit  
2 Corporation Act of 1986 regarding indemnification of  
3 officers, directors, employees, and agents;

4 (5) the Abused and Neglected Child Reporting Act;

5 (5.5) subsection (b) of Section 10-23.12 and  
6 subsection (b) of Section 34-18.6 of this Code;

7 (6) the Illinois School Student Records Act;

8 (7) Section 10-17a of this Code regarding school  
9 report cards;

10 (8) the P-20 Longitudinal Education Data System Act;

11 (9) Section 27-23.7 of this Code regarding bullying  
12 prevention;

13 (10) Section 2-3.162 of this Code regarding student  
14 discipline reporting;

15 (11) Sections 22-80 and 27-8.1 of this Code;

16 (12) Sections 10-20.60 and 34-18.53 of this Code;

17 (13) Sections 10-20.63 and 34-18.56 of this Code;

18 (14) Section 26-18 of this Code;

19 (15) Section 22-30 of this Code;

20 (16) Sections 24-12 and 34-85 of this Code;

21 (17) the Seizure Smart School Act; ~~and~~

22 (18) Section 2-3.64a-10 of this Code; ~~and-~~

23 (19) Section 10-22.25b of this Code.

24 The change made by Public Act 96-104 to this subsection  
25 (g) is declaratory of existing law.

26 (h) A charter school may negotiate and contract with a

1 school district, the governing body of a State college or  
2 university or public community college, or any other public or  
3 for-profit or nonprofit private entity for: (i) the use of a  
4 school building and grounds or any other real property or  
5 facilities that the charter school desires to use or convert  
6 for use as a charter school site, (ii) the operation and  
7 maintenance thereof, and (iii) the provision of any service,  
8 activity, or undertaking that the charter school is required  
9 to perform in order to carry out the terms of its charter.  
10 However, a charter school that is established on or after  
11 April 16, 2003 (the effective date of Public Act 93-3) and that  
12 operates in a city having a population exceeding 500,000 may  
13 not contract with a for-profit entity to manage or operate the  
14 school during the period that commences on April 16, 2003 (the  
15 effective date of Public Act 93-3) and concludes at the end of  
16 the 2004-2005 school year. Except as provided in subsection  
17 (i) of this Section, a school district may charge a charter  
18 school reasonable rent for the use of the district's  
19 buildings, grounds, and facilities. Any services for which a  
20 charter school contracts with a school district shall be  
21 provided by the district at cost. Any services for which a  
22 charter school contracts with a local school board or with the  
23 governing body of a State college or university or public  
24 community college shall be provided by the public entity at  
25 cost.

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to  
2 charter school status be required to pay rent for space that is  
3 deemed available, as negotiated and provided in the charter  
4 agreement, in school district facilities. However, all other  
5 costs for the operation and maintenance of school district  
6 facilities that are used by the charter school shall be  
7 subject to negotiation between the charter school and the  
8 local school board and shall be set forth in the charter.

9 (j) A charter school may limit student enrollment by age  
10 or grade level.

11 (k) If the charter school is approved by the State Board or  
12 Commission, then the charter school is its own local education  
13 agency.

14 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;  
15 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.  
16 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,  
17 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;  
18 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.  
19 3-8-21.)

20 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

21 Sec. 34-2.3. Local school councils - Powers and duties.  
22 Each local school council shall have and exercise, consistent  
23 with the provisions of this Article and the powers and duties  
24 of the board of education, the following powers and duties:

25 1. (A) To annually evaluate the performance of the

1 principal of the attendance center using a Board approved  
2 principal evaluation form, which shall include the evaluation  
3 of (i) student academic improvement, as defined by the school  
4 improvement plan, (ii) student absenteeism rates at the  
5 school, (iii) instructional leadership, (iv) the effective  
6 implementation of programs, policies, or strategies to improve  
7 student academic achievement, (v) school management, and (vi)  
8 any other factors deemed relevant by the local school council,  
9 including, without limitation, the principal's communication  
10 skills and ability to create and maintain a student-centered  
11 learning environment, to develop opportunities for  
12 professional development, and to encourage parental  
13 involvement and community partnerships to achieve school  
14 improvement;

15 (B) to determine in the manner provided by subsection (c)  
16 of Section 34-2.2 and subdivision 1.5 of this Section whether  
17 the performance contract of the principal shall be renewed;  
18 and

19 (C) to directly select, in the manner provided by  
20 subsection (c) of Section 34-2.2, a new principal (including a  
21 new principal to fill a vacancy) -- without submitting any  
22 list of candidates for that position to the general  
23 superintendent as provided in paragraph 2 of this Section --  
24 to serve under a 4 year performance contract; provided that  
25 (i) the determination of whether the principal's performance  
26 contract is to be renewed, based upon the evaluation required

1 by subdivision 1.5 of this Section, shall be made no later than  
2 150 days prior to the expiration of the current  
3 performance-based contract of the principal, (ii) in cases  
4 where such performance contract is not renewed -- a direct  
5 selection of a new principal -- to serve under a 4 year  
6 performance contract shall be made by the local school council  
7 no later than 45 days prior to the expiration of the current  
8 performance contract of the principal, and (iii) a selection  
9 by the local school council of a new principal to fill a  
10 vacancy under a 4 year performance contract shall be made  
11 within 90 days after the date such vacancy occurs. A Council  
12 shall be required, if requested by the principal, to provide  
13 in writing the reasons for the council's not renewing the  
14 principal's contract.

15 1.5. The local school council's determination of whether  
16 to renew the principal's contract shall be based on an  
17 evaluation to assess the educational and administrative  
18 progress made at the school during the principal's current  
19 performance-based contract. The local school council shall  
20 base its evaluation on (i) student academic improvement, as  
21 defined by the school improvement plan, (ii) student  
22 absenteeism rates at the school, (iii) instructional  
23 leadership, (iv) the effective implementation of programs,  
24 policies, or strategies to improve student academic  
25 achievement, (v) school management, and (vi) any other factors  
26 deemed relevant by the local school council, including,

1 without limitation, the principal's communication skills and  
2 ability to create and maintain a student-centered learning  
3 environment, to develop opportunities for professional  
4 development, and to encourage parental involvement and  
5 community partnerships to achieve school improvement. If a  
6 local school council fails to renew the performance contract  
7 of a principal rated by the general superintendent, or his or  
8 her designee, in the previous years' evaluations as meeting or  
9 exceeding expectations, the principal, within 15 days after  
10 the local school council's decision not to renew the contract,  
11 may request a review of the local school council's principal  
12 non-retention decision by a hearing officer appointed by the  
13 American Arbitration Association. A local school council  
14 member or members or the general superintendent may support  
15 the principal's request for review. During the period of the  
16 hearing officer's review of the local school council's  
17 decision on whether or not to retain the principal, the local  
18 school council shall maintain all authority to search for and  
19 contract with a person to serve as interim or acting  
20 principal, or as the principal of the attendance center under  
21 a 4-year performance contract, provided that any performance  
22 contract entered into by the local school council shall be  
23 voidable or modified in accordance with the decision of the  
24 hearing officer. The principal may request review only once  
25 while at that attendance center. If a local school council  
26 renews the contract of a principal who failed to obtain a

1 rating of "meets" or "exceeds expectations" in the general  
2 superintendent's evaluation for the previous year, the general  
3 superintendent, within 15 days after the local school  
4 council's decision to renew the contract, may request a review  
5 of the local school council's principal retention decision by  
6 a hearing officer appointed by the American Arbitration  
7 Association. The general superintendent may request a review  
8 only once for that principal at that attendance center. All  
9 requests to review the retention or non-retention of a  
10 principal shall be submitted to the general superintendent,  
11 who shall, in turn, forward such requests, within 14 days of  
12 receipt, to the American Arbitration Association. The general  
13 superintendent shall send a contemporaneous copy of the  
14 request that was forwarded to the American Arbitration  
15 Association to the principal and to each local school council  
16 member and shall inform the local school council of its rights  
17 and responsibilities under the arbitration process, including  
18 the local school council's right to representation and the  
19 manner and process by which the Board shall pay the costs of  
20 the council's representation. If the local school council  
21 retains the principal and the general superintendent requests  
22 a review of the retention decision, the local school council  
23 and the general superintendent shall be considered parties to  
24 the arbitration, a hearing officer shall be chosen between  
25 those 2 parties pursuant to procedures promulgated by the  
26 State Board of Education, and the principal may retain counsel

1 and participate in the arbitration. If the local school  
2 council does not retain the principal and the principal  
3 requests a review of the retention decision, the local school  
4 council and the principal shall be considered parties to the  
5 arbitration and a hearing officer shall be chosen between  
6 those 2 parties pursuant to procedures promulgated by the  
7 State Board of Education. The hearing shall begin (i) within  
8 45 days after the initial request for review is submitted by  
9 the principal to the general superintendent or (ii) if the  
10 initial request for review is made by the general  
11 superintendent, within 45 days after that request is mailed to  
12 the American Arbitration Association. The hearing officer  
13 shall render a decision within 45 days after the hearing  
14 begins and within 90 days after the initial request for  
15 review. The Board shall contract with the American Arbitration  
16 Association for all of the hearing officer's reasonable and  
17 necessary costs. In addition, the Board shall pay any  
18 reasonable costs incurred by a local school council for  
19 representation before a hearing officer.

20 1.10. The hearing officer shall conduct a hearing, which  
21 shall include (i) a review of the principal's performance,  
22 evaluations, and other evidence of the principal's service at  
23 the school, (ii) reasons provided by the local school council  
24 for its decision, and (iii) documentation evidencing views of  
25 interested persons, including, without limitation, students,  
26 parents, local school council members, school faculty and

1 staff, the principal, the general superintendent or his or her  
2 designee, and members of the community. The burden of proof in  
3 establishing that the local school council's decision was  
4 arbitrary and capricious shall be on the party requesting the  
5 arbitration, and this party shall sustain the burden by a  
6 preponderance of the evidence. The hearing officer shall set  
7 the local school council decision aside if that decision, in  
8 light of the record developed at the hearing, is arbitrary and  
9 capricious. The decision of the hearing officer may not be  
10 appealed to the Board or the State Board of Education. If the  
11 hearing officer decides that the principal shall be retained,  
12 the retention period shall not exceed 2 years.

13 2. In the event (i) the local school council does not renew  
14 the performance contract of the principal, or the principal  
15 fails to receive a satisfactory rating as provided in  
16 subsection (h) of Section 34-8.3, or the principal is removed  
17 for cause during the term of his or her performance contract in  
18 the manner provided by Section 34-85, or a vacancy in the  
19 position of principal otherwise occurs prior to the expiration  
20 of the term of a principal's performance contract, and (ii)  
21 the local school council fails to directly select a new  
22 principal to serve under a 4 year performance contract, the  
23 local school council in such event shall submit to the general  
24 superintendent a list of 3 candidates -- listed in the local  
25 school council's order of preference -- for the position of  
26 principal, one of which shall be selected by the general

1 superintendent to serve as principal of the attendance center.  
2 If the general superintendent fails or refuses to select one  
3 of the candidates on the list to serve as principal within 30  
4 days after being furnished with the candidate list, the  
5 general superintendent shall select and place a principal on  
6 an interim basis (i) for a period not to exceed one year or  
7 (ii) until the local school council selects a new principal  
8 with 7 affirmative votes as provided in subsection (c) of  
9 Section 34-2.2, whichever occurs first. If the local school  
10 council fails or refuses to select and appoint a new  
11 principal, as specified by subsection (c) of Section 34-2.2,  
12 the general superintendent may select and appoint a new  
13 principal on an interim basis for an additional year or until a  
14 new contract principal is selected by the local school  
15 council. There shall be no discrimination on the basis of  
16 race, sex, creed, color or disability unrelated to ability to  
17 perform in connection with the submission of candidates for,  
18 and the selection of a candidate to serve as principal of an  
19 attendance center. No person shall be directly selected,  
20 listed as a candidate for, or selected to serve as principal of  
21 an attendance center (i) if such person has been removed for  
22 cause from employment by the Board or (ii) if such person does  
23 not hold a valid administrative certificate issued or  
24 exchanged under Article 21 and endorsed as required by that  
25 Article for the position of principal. A principal whose  
26 performance contract is not renewed as provided under

1 subsection (c) of Section 34-2.2 may nevertheless, if  
2 otherwise qualified and certified as herein provided and if he  
3 or she has received a satisfactory rating as provided in  
4 subsection (h) of Section 34-8.3, be included by a local  
5 school council as one of the 3 candidates listed in order of  
6 preference on any candidate list from which one person is to be  
7 selected to serve as principal of the attendance center under  
8 a new performance contract. The initial candidate list  
9 required to be submitted by a local school council to the  
10 general superintendent in cases where the local school council  
11 does not renew the performance contract of its principal and  
12 does not directly select a new principal to serve under a 4  
13 year performance contract shall be submitted not later than 30  
14 days prior to the expiration of the current performance  
15 contract. In cases where the local school council fails or  
16 refuses to submit the candidate list to the general  
17 superintendent no later than 30 days prior to the expiration  
18 of the incumbent principal's contract, the general  
19 superintendent may appoint a principal on an interim basis for  
20 a period not to exceed one year, during which time the local  
21 school council shall be able to select a new principal with 7  
22 affirmative votes as provided in subsection (c) of Section  
23 34-2.2. In cases where a principal is removed for cause or a  
24 vacancy otherwise occurs in the position of principal and the  
25 vacancy is not filled by direct selection by the local school  
26 council, the candidate list shall be submitted by the local

1 school council to the general superintendent within 90 days  
2 after the date such removal or vacancy occurs. In cases where  
3 the local school council fails or refuses to submit the  
4 candidate list to the general superintendent within 90 days  
5 after the date of the vacancy, the general superintendent may  
6 appoint a principal on an interim basis for a period of one  
7 year, during which time the local school council shall be able  
8 to select a new principal with 7 affirmative votes as provided  
9 in subsection (c) of Section 34-2.2.

10 2.5. Whenever a vacancy in the office of a principal  
11 occurs for any reason, the vacancy shall be filled in the  
12 manner provided by this Section by the selection of a new  
13 principal to serve under a 4 year performance contract.

14 3. To establish additional criteria to be included as part  
15 of the performance contract of its principal, provided that  
16 such additional criteria shall not discriminate on the basis  
17 of race, sex, creed, color or disability unrelated to ability  
18 to perform, and shall not be inconsistent with the uniform 4  
19 year performance contract for principals developed by the  
20 board as provided in Section 34-8.1 of the School Code or with  
21 other provisions of this Article governing the authority and  
22 responsibility of principals.

23 4. To approve the expenditure plan prepared by the  
24 principal with respect to all funds allocated and distributed  
25 to the attendance center by the Board. The expenditure plan  
26 shall be administered by the principal. Notwithstanding any

1 other provision of this Act or any other law, any expenditure  
2 plan approved and administered under this Section 34-2.3 shall  
3 be consistent with and subject to the terms of any contract for  
4 services with a third party entered into by the Chicago School  
5 Reform Board of Trustees or the board under this Act.

6 Via a supermajority vote of 7 members of the local school  
7 council or 8 members of a high school local school council, the  
8 Council may transfer allocations pursuant to Section 34-2.3  
9 within funds; provided that such a transfer is consistent with  
10 applicable law and collective bargaining agreements.

11 Beginning in fiscal year 1991 and in each fiscal year  
12 thereafter, the Board may reserve up to 1% of its total fiscal  
13 year budget for distribution on a prioritized basis to schools  
14 throughout the school system in order to assure adequate  
15 programs to meet the needs of special student populations as  
16 determined by the Board. This distribution shall take into  
17 account the needs catalogued in the Systemwide Plan and the  
18 various local school improvement plans of the local school  
19 councils. Information about these centrally funded programs  
20 shall be distributed to the local school councils so that  
21 their subsequent planning and programming will account for  
22 these provisions.

23 Beginning in fiscal year 1991 and in each fiscal year  
24 thereafter, from other amounts available in the applicable  
25 fiscal year budget, the board shall allocate a lump sum amount  
26 to each local school based upon such formula as the board shall

1 determine taking into account the special needs of the student  
2 body. The local school principal shall develop an expenditure  
3 plan in consultation with the local school council, the  
4 professional personnel leadership committee and with all other  
5 school personnel, which reflects the priorities and activities  
6 as described in the school's local school improvement plan and  
7 is consistent with applicable law and collective bargaining  
8 agreements and with board policies and standards; however, the  
9 local school council shall have the right to request waivers  
10 of board policy from the board of education and waivers of  
11 employee collective bargaining agreements pursuant to Section  
12 34-8.1a.

13 The expenditure plan developed by the principal with  
14 respect to amounts available from the fund for prioritized  
15 special needs programs and the allocated lump sum amount must  
16 be approved by the local school council.

17 The lump sum allocation shall take into account the  
18 following principles:

19 a. Teachers: Each school shall be allocated funds  
20 equal to the amount appropriated in the previous school  
21 year for compensation for teachers (regular grades  
22 kindergarten through 12th grade) plus whatever increases  
23 in compensation have been negotiated contractually or  
24 through longevity as provided in the negotiated agreement.  
25 Adjustments shall be made due to layoff or reduction in  
26 force, lack of funds or work, change in subject

1 requirements, enrollment changes, or contracts with third  
2 parties for the performance of services or to rectify any  
3 inconsistencies with system-wide allocation formulas or  
4 for other legitimate reasons.

5 b. Other personnel: Funds for other teacher  
6 certificated and uncertificated personnel paid through  
7 non-categorical funds shall be provided according to  
8 system-wide formulas based on student enrollment and the  
9 special needs of the school as determined by the Board.

10 c. Non-compensation items: Appropriations for all  
11 non-compensation items shall be based on system-wide  
12 formulas based on student enrollment and on the special  
13 needs of the school or factors related to the physical  
14 plant, including but not limited to textbooks, electronic  
15 textbooks and the technological equipment necessary to  
16 gain access to and use electronic textbooks, supplies,  
17 electricity, equipment, and routine maintenance.

18 d. Funds for categorical programs: Schools shall  
19 receive personnel and funds based on, and shall use such  
20 personnel and funds in accordance with State and Federal  
21 requirements applicable to each categorical program  
22 provided to meet the special needs of the student body  
23 (including but not limited to, Federal Chapter I,  
24 Bilingual, and Special Education).

25 d.1. Funds for State Title I: Each school shall  
26 receive funds based on State and Board requirements

1 applicable to each State Title I pupil provided to meet  
2 the special needs of the student body. Each school shall  
3 receive the proportion of funds as provided in Section  
4 18-8 or 18-8.15 to which they are entitled. These funds  
5 shall be spent only with the budgetary approval of the  
6 Local School Council as provided in Section 34-2.3.

7 e. The Local School Council shall have the right to  
8 request the principal to close positions and open new ones  
9 consistent with the provisions of the local school  
10 improvement plan provided that these decisions are  
11 consistent with applicable law and collective bargaining  
12 agreements. If a position is closed, pursuant to this  
13 paragraph, the local school shall have for its use the  
14 system-wide average compensation for the closed position.

15 f. Operating within existing laws and collective  
16 bargaining agreements, the local school council shall have  
17 the right to direct the principal to shift expenditures  
18 within funds.

19 g. (Blank).

20 Any funds unexpended at the end of the fiscal year shall be  
21 available to the board of education for use as part of its  
22 budget for the following fiscal year.

23 5. To make recommendations to the principal concerning  
24 textbook selection and concerning curriculum developed  
25 pursuant to the school improvement plan which is consistent  
26 with systemwide curriculum objectives in accordance with

1 Sections 34-8 and 34-18 of the School Code and in conformity  
2 with the collective bargaining agreement.

3 6. To advise the principal concerning the attendance and  
4 disciplinary policies for the attendance center, subject to  
5 the provisions of this Article and Article 26, and consistent  
6 with the uniform system of discipline established by the board  
7 pursuant to Section 34-19.

8 7. To approve a school improvement plan developed as  
9 provided in Section 34-2.4. The process and schedule for plan  
10 development shall be publicized to the entire school  
11 community, and the community shall be afforded the opportunity  
12 to make recommendations concerning the plan. At least twice a  
13 year the principal and local school council shall report  
14 publicly on progress and problems with respect to plan  
15 implementation.

16 8. To evaluate the allocation of teaching resources and  
17 other certificated and uncertificated staff to the attendance  
18 center to determine whether such allocation is consistent with  
19 and in furtherance of instructional objectives and school  
20 programs reflective of the school improvement plan adopted for  
21 the attendance center; and to make recommendations to the  
22 board, the general superintendent and the principal concerning  
23 any reallocation of teaching resources or other staff whenever  
24 the council determines that any such reallocation is  
25 appropriate because the qualifications of any existing staff  
26 at the attendance center do not adequately match or support

1 instructional objectives or school programs which reflect the  
2 school improvement plan.

3 9. To make recommendations to the principal and the  
4 general superintendent concerning their respective  
5 appointments, after August 31, 1989, and in the manner  
6 provided by Section 34-8 and Section 34-8.1, of persons to  
7 fill any vacant, additional or newly created positions for  
8 teachers at the attendance center or at attendance centers  
9 which include the attendance center served by the local school  
10 council.

11 10. To request of the Board the manner in which training  
12 and assistance shall be provided to the local school council.  
13 Pursuant to Board guidelines a local school council is  
14 authorized to direct the Board of Education to contract with  
15 personnel or not-for-profit organizations not associated with  
16 the school district to train or assist council members. If  
17 training or assistance is provided by contract with personnel  
18 or organizations not associated with the school district, the  
19 period of training or assistance shall not exceed 30 hours  
20 during a given school year; person shall not be employed on a  
21 continuous basis longer than said period and shall not have  
22 been employed by the Chicago Board of Education within the  
23 preceding six months. Council members shall receive training  
24 in at least the following areas:

- 25 1. school budgets;
- 26 2. educational theory pertinent to the attendance

1 center's particular needs, including the development of  
2 the school improvement plan and the principal's  
3 performance contract; and

4 3. personnel selection.

5 Council members shall, to the greatest extent possible,  
6 complete such training within 90 days of election.

7 11. In accordance with systemwide guidelines contained in  
8 the System-Wide Educational Reform Goals and Objectives Plan,  
9 criteria for evaluation of performance shall be established  
10 for local school councils and local school council members. If  
11 a local school council persists in noncompliance with  
12 systemwide requirements, the Board may impose sanctions and  
13 take necessary corrective action, consistent with Section  
14 34-8.3.

15 12. Each local school council shall comply with the Open  
16 Meetings Act and the Freedom of Information Act. Each local  
17 school council shall issue and transmit to its school  
18 community a detailed annual report accounting for its  
19 activities programmatically and financially. Each local school  
20 council shall convene at least 2 well-publicized meetings  
21 annually with its entire school community. These meetings  
22 shall include presentation of the proposed local school  
23 improvement plan, of the proposed school expenditure plan, and  
24 the annual report, and shall provide an opportunity for public  
25 comment.

26 13. Each local school council is encouraged to involve

1 additional non-voting members of the school community in  
2 facilitating the council's exercise of its responsibilities.

3 14. The local school council may adopt a school uniform or  
4 dress code policy that governs the attendance center and that  
5 is necessary to maintain the orderly process of a school  
6 function or prevent endangerment of student health or safety,  
7 consistent with the policies and rules of the Board of  
8 Education. A school uniform or dress code policy adopted by a  
9 local school council: (i) shall not be applied in such manner  
10 as to discipline or deny attendance to a transfer student or  
11 any other student for noncompliance with that policy during  
12 such period of time as is reasonably necessary to enable the  
13 student to acquire a school uniform or otherwise comply with  
14 the dress code policy that is in effect at the attendance  
15 center into which the student's enrollment is transferred; ~~and~~  
16 (ii) shall include criteria and procedures under which the  
17 local school council will accommodate the needs of or  
18 otherwise provide appropriate resources to assist a student  
19 from an indigent family in complying with an applicable school  
20 uniform or dress code policy; and (iii) shall not include or  
21 apply to hairstyles, including hairstyles historically  
22 associated with race, ethnicity, or hair texture, including,  
23 but not limited to, protective hairstyles such as braids,  
24 locks, and twists. A student whose parents or legal guardians  
25 object on religious grounds to the student's compliance with  
26 an applicable school uniform or dress code policy shall not be

1 required to comply with that policy if the student's parents  
2 or legal guardians present to the local school council a  
3 signed statement of objection detailing the grounds for the  
4 objection. If a local school council does not comply with the  
5 requirements and prohibitions set forth in this paragraph 14,  
6 the attendance center is subject to the penalty imposed  
7 pursuant to subsection (a) of Section 2-3.25.

8 15. All decisions made and actions taken by the local  
9 school council in the exercise of its powers and duties shall  
10 comply with State and federal laws, all applicable collective  
11 bargaining agreements, court orders and rules properly  
12 promulgated by the Board.

13 15a. To grant, in accordance with board rules and  
14 policies, the use of assembly halls and classrooms when not  
15 otherwise needed, including lighting, heat, and attendants,  
16 for public lectures, concerts, and other educational and  
17 social activities.

18 15b. To approve, in accordance with board rules and  
19 policies, receipts and expenditures for all internal accounts  
20 of the attendance center, and to approve all fund-raising  
21 activities by nonschool organizations that use the school  
22 building.

23 16. (Blank).

24 17. Names and addresses of local school council members  
25 shall be a matter of public record.

26 (Source: P.A. 100-465, eff. 8-31-17.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2022.